

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	No.: 16-cr-10305-NMG
)	
MARTIN GOTTESFELD)	

EMERGENCY MOTION FOR LEAVE TO WITHDRAW

Counsel for defendant Martin Gottesfeld (“Mr. Gottesfeld”) hereby moves, on an emergency basis, for leave to withdraw.¹ Since the July 6, 2018 hearing concerning counsel’s previous motion for leave to withdraw (Dkt. No. 214), additional facts and circumstances have occurred requiring and justifying withdrawal. Based on the foregoing, an actual conflict of interest exists between counsel and the defendant; further, the attorney-client relationship is irretrievably broken.

Given the nature of the facts and circumstances presented, counsel requests this motion be assigned to a different judge than the presiding judge. *Cf.* Mass. Sup. Jud. Ct. R. 3:07, R. Prof. Conduct 3.3(e)(2).

In support of this motion, counsel files under seal and *ex parte* eight (8) exhibits to this motion; counsel requests that these exhibits be viewed by the judge deciding this motion, and not the presiding judge.

Counsel respectfully requests a hearing on this motion.

¹ The undersigned counsel moves to withdraw on an emergency basis because jury selection in this matter is scheduled to commence on July 19, 2018 and trial is scheduled for July 23, 2018.

Respectfully submitted,
Counsel for defendant:

/s/ David J. Grimaldi

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DATE: July 12, 2018

CERTIFICATE OF SERVICE

I, David J. Grimaldi, hereby certify that true copies of this motion were served on all registered participants via CM/ECF this 12th day of July, 2018. Further, on this day a copy of this motion was mailed to defendant Martin Gottesfeld at the Plymouth County Correctional Facility, 26 Long Pond Road, Plymouth, MA 02360. As the exhibits are filed under seal and *ex parte*, those items have not been served at this time.

/s/ David J. Grimaldi

David J. Grimaldi